

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
Plaintiff, :
:
-and- : **TENTH STATEMENT OF**
:
THE VULCAN SOCIETY, INC., for itself and on behalf of **FEES & EXPENSES**
:
its members, and MARCUS HAYWOOD, CANDIDO :
:
NUÑEZ and ROGER GREGG, individually and on behalf :
of a class of all others similarly situated, :
:
Plaintiffs-Intervenors, :
:
-against- :
:
THE CITY OF NEW YORK, :
:
Defendant. :
:
-----X

MARY JO WHITE, Special Master.

The Special Master submits this Tenth Statement of Fees and Expenses pursuant to the Court's June 1, 2010 Order Appointing Special Master (the "Appointment Order")

(Dkt. No. 448, ¶ 14). The Appointment Order requires that:

Every 60 days, the Special Master shall submit to the court an itemized statement of fees and expenses, which the court will inspect for regularity and reasonableness. If the court determines the itemized statement is regular and reasonable, the court will sign it and transmit it to the parties. The City shall then remit to the Special Master any court-approved amount, within 20 calendar days of court approval.

(*Id.*)

The Special Master and her law firm have agreed to work on a pro bono basis and accordingly, there are no fees to be paid. For the period of November 1, 2011 through January 26, 2012, the Special Master has incurred expenses totaling \$1,211.94.¹ An itemized list of the expenses is attached as Exhibit 1.

This statement also includes Dr. Shane Pittman's fees and expenses for the months of December and January. For the month of December, her fees were \$7,500.00 and her expenses were \$1,760.09, for a total of \$9,260.09. To offset an overpayment received by Dr. Pittman from the City in October 2011 in the amount of \$1,473.16 (Dkt. No. 763), Dr. Pittman has deducted this amount from the total fees and expenses incurred for December, for a revised total of \$7,786.93. A statement reflecting the overpayment disbursed in connection with Dr. Pittman's fees and expenses for September 2011 is attached hereto as Exhibit 2. For the month of January, Dr. Pittman's fees were \$6,937.50 and her expenses were \$1,159.00, for a total of \$8,096.50. Invoices for Dr. Pittman's fees and expenses are attached hereto as Exhibits 3 and 4. The fees incurred for the months of December and January are within or less than the projected monthly fees of between \$7,000 to \$17,000 stated in the Special Master's Application for Approval of Proposed Budget for Special Master's Expert Consultant (Dkt. No. 516), which was approved by the Court on September 3, 2010 (Dkt. No. 519).

Accordingly, the total expenses for the Special Master's work for this period were \$17,095.37, \$1,211.94 of which is due to the Special Master's firm and \$15,883.43 of

¹ This statement includes some expenses for November. Those expenses were not included in the prior statement of expenses because the relevant invoices were not received in advance of submitting that statement.

which is due to Dr. Pittman. We respectfully request that the Court approve all of these expenses.

/s/ Mary Jo White

Mary Jo White

Dated: January 31, 2012

EXHIBIT 1

DEBEVOISE & PLIMPTON LLP

919 Third Avenue
New York, NY 10022
Tel 212 909 6000
Fax 212 909 6836
www.debevoise.com

***EASTERN DISTRICT OF NEW YORK-Special Master
Appointment***

01/26/2012

Invoice Number 1249883

Disbursements and Charges itemized for the period Nov 1, 2011 to Jan 26, 2012.

Detailed Breakdown of Charges and Disbursements

<u>Description</u>	<u>Amount</u>
Duplicating & Binding	\$665.45
Telephone Toll Calls, Conferencing & Outside Vendors	\$392.63
Research Services	\$153.86
Total:	\$1,211.94

EXHIBIT 2

EXHIBIT 3

Invoice for Services from:

The Pittman McLenagan Group, L.C.
6626-A Wilson Lane
Bethesda, MD 20817
301.320.9500
Tax Identification #: 52-1924078
PMG Contact:
 Shane Pittman, Ph.D.
 301-320-9500

Invoice to:

Philip A. Fortino
 Debevoise & Plimpton LLP
 919 Third Avenue
 New York, New York 10022

Billing Hours for Client: NYC v US

Dec-11

Project:	FDNY Entry Level Testing		
Invoice #:		NYCvUS Dec-11	REVISED
Terms:	Net 15		
Inv. Date:	1/27/2012		
Please Remit this Amount:	\$7,786.93		
Remit to:	<u>The Pittman McLenagan Group, L.C.</u> 6626-A Wilson Lane Bethesda, MD 20817		

Date	Project Description	Hours	Cost
12/1/2011	Reviewed/responded to correspondence	0.50	\$125.00
12/2/2011	Reviewed materials	0.50	\$125.00
12/2/2011	Meeting with Special Master, parties, and experts	4.50	\$1,125.00
12/5/2011	Reviewed materials	1.00	\$250.00
12/7/2011	Reviewed materials; call with C. Dike-Minor	0.25	\$62.50
12/9/2011	Call with experts	0.50	\$125.00
12/15/2011	Meeting with experts (12/15 and 12/16)	17.00	\$4,250.00
12/18/2011	Reviewed materials	0.25	\$62.50
12/19/2011	Reviewed correspondence and materials	0.50	\$125.00
12/20/2011	Call with experts	1.00	\$250.00
12/22/2011	Reviewed materials	0.75	\$187.50
12/23/2011	Reviewed materials	0.50	\$125.00
12/27/2011	Virtual meeting with experts	1.50	\$375.00
12/27/2011	Reviewed materials	0.25	\$62.50
12/27/2011	Reviewed materials	0.25	\$62.50
12/28/2011	Reviewed/responded to correspondence	0.25	\$62.50
12/29/2011	Reviewed correspondence	0.25	\$62.50
12/30/2011	Reviewed correspondence	0.25	\$62.50
			\$0.00
		30.00	\$7,500.00
	Expenses		\$1,760.09
	Total Hours + Expenses		\$9,260.09
	Overpayment from Sept 2011		\$1,473.16
	Total		\$7,786.93

EXHIBIT 4

Invoice for Services from:
The Pittman McLenagan Group, L.C.
6626-A Wilson Lane
Bethesda, MD 20817
301.320.9500
Tax Identification #: 52-1924078
PMG Contact:
 Shane Pittman, Ph.D.
 301-320-9500

Invoice to:
 Philip A. Fortino
 Debevoise & Plimpton LLP
 919 Third Avenue
 New York, New York 10022

Billing Hours for Client: NYC v US
 Jan-12

Project:	FDNY Entry Level Testing	
Invoice #:		NYCvUS Jan-12
Terms:	Net 15	
Inv. Date:	1/28/2012	
Please Remit this Amount:	\$8,096.50	
Remit to:	<u>The Pittman McLenagan Group, L.C.</u> 6626-A Wilson Lane Bethesda, MD 20817	

Date	Project Description	Hours	Cost
1/2/2012	Reviewed materials	0.25	\$62.50
1/2/2012	Reviewed materials	0.25	\$62.50
1/3/2012	Reviewed materials and correspondence	0.75	\$187.50
1/3/2012	Meeting with experts	2.50	\$625.00
1/3/2012	Call with C. Dike-Minor	0.75	\$187.50
1/6/2012	Reviewed materials	1.00	\$250.00
1/6/2012	Reviewed/responded to correspondence	0.75	\$187.50
1/8/2012	Reviewed materials	0.25	\$62.50
1/9/2012	Call with experts	0.50	\$125.00
1/12/2012	Reviewed materials; Reviewed/responded to correspondence	0.50	\$125.00
1/17/2012	Responded to correspondence	0.25	\$62.50
1/17/2012	Reviewed materials	0.25	\$62.50
1/16/2012	Reviewed materials	0.25	\$62.50
1/18/2012	Meeting with experts	9.50	\$2,375.00
1/19/2012	Reviewed materials	0.25	\$62.50
1/20/2012	Reviewed materials	0.50	\$125.00
1/20/2012	Call with M. Hogan, C. Dike-Minor, P. Fortino, and R. Feldman	0.50	\$125.00
1/20/2012	Virtual meeting with experts	2.00	\$500.00
1/20/2012	Call with Special Master, parties, and experts	1.00	\$250.00
1/21/2012	Reviewed materials	0.50	\$125.00
1/23/2012	Reviewed materials	0.75	\$187.50
1/25/2012	Reviewed materials	1.00	\$250.00
1/25/2012	Meeting with experts	1.50	\$375.00
1/27/2012	Reviewed materials	0.50	\$125.00
1/27/2012	Virtual meeting with experts	1.50	\$375.00
			\$0.00
Expenses			\$1,159.00
27.75			\$6,937.50
Total Hours + Expenses			\$8,096.50